BRITISH COLUMBIA
POLICE
COMPLAINT
COMMISSIONER

1999
ANNUAL REPORT

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POLICE COMPLAINT
COMMISSIONER
British Columbia
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The Honourable Bill Hartley, M.L.A.
Speaker of the Legislative Assembly
Room 207, Parliament Buildings
Victoria, B.C.
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Dear Mr. Speaker:

It is with pleasure that I present to you and to the members of the Legislative Assembly my 1999 Annual Report.

Yours truly,

Don E. Morrison
Police Complaint Commissioner

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Commissioner's Message

My mandate as the first Police Complaint Commissioner under the new ***Police Act*** is for six years from July 1998. The first task was to build the infrastructure needed to provide effective civilian oversight as contemplated by the new legislation. This has been accomplished:

- An automated complaint tracking system to ensure timeline compliance;
- A Web site to assist complainants and police officers with needed information on the complaint process and to ensure transparency of the investigation into police conduct;
- The implementation of the public hearing process -- three hearings were ordered in 1999; and
- The retention of an ethicist to give ethical opinions on police conduct to assist police to review their conduct which may not be misconduct in the narrow legal sense but which has given them cause to seek other advice.

During the remaining years of my mandate my message in the Annual Report will focus on an issue that arises during the year.

In 1999, that issue is: Who should investigate complaints against police? Who should guard the guardians? *Quis custodiet ipsos custodes*? Decimus Juvenivus Juvenalis posed this question nearly two millenia ago and it has continued to occupy the thoughts of those who govern and are governed ever since.

In 1999, the media raised this issue in regard to an investigation into the Abbotsford Police when this matter was externally investigated by another police force.

I have listened and looked at other systems of investigation into police conduct:

- There is no system in Canada in which "police" are not involved in investigating complaints against police.
- There is no system in Australia where police are not involved in the investigation of police conduct.

More flagrant misconduct is investigated by civilian oversight agencies in New South Wales and Queensland. The investigators are police officers on secondment to the agencies.

In the state of Victoria, the Ombudsman can investigate complaints. The Victoria Police Service is directed by statute to provide whatever "police" resources be required. The Ombudsman cannot conduct "own motion" investigations; in British Columbia, that can be ordered.

- In England, the Public Complaints Authority can direct an investigation, but the investigators are drawn from the police.

Lord Scarman said in his report on the Brixton riots in 1981:

"The notion that some new bureaucratic team of investigators would do a better job than the professionals is a totally misplaced theory; inevitably they would be second class. Furthermore the present critics would not be satisfied because I am certain that the independent investigation would produce at best the same results as those under existing procedures, and at worst would not get anywhere near the truth."

The Scarman Report; the Brixton Disorders 10-12 April 1981(1986)

The B.C. Civil Liberties Association stated in its submission to the Oppal Commission: "We do not think that taking the investigation of citizens' complaints out of the hands of the department involved is the answer."

Under the model chosen for British Columbia, the strength of civilian oversight lies in the power to ensure that the investigation into police conduct is fair, thorough and timely. Where this is deficient, the Police Complaint Commissioner can order either a re-investigation or a public hearing. Unlike the Ombudsman for Victoria, the Police Complaint Commissioner has the power to order an "own motion" investigation into police conduct where appropriate.

In other words, there are legislative tools in the Civilian Oversight system in British Columbia that address the concern of police investigating police which it can be an effective watchdog. Dr. Perry, the Ombudsman for the State of Victoria in Australia, has commented on the value of police involvement:

"The debates between the external bodies involved in police complaints systems are almost universal in reflecting the view that the argument is not one of whether police should be involved in the complaints system but rather the extent to which police should be involved. That is, how much or how little. ... Police must be involved in policing themselves. ... In the short term, external bodies may assist police in identifying causes of a problem but, in the longer term, the responsibility for resolving the issues and maintaining an honest, efficient and

ethically focused Department depends upon the good management of the Department."

It's how the investigators of police conduct do their business that matters. That concern was addressed by the then Ombudsman of the New South Wales, George Masterman, at the first International Conference on Civilian Oversight of Law Enforcement in 1985:

> "A civilian oversight body which does not extensively utilize questioning itself but relies on paper statements taken by police is deluding itself and the public. Such a body is a charade and a dangerous one at that. It deceives the public into believing that there is an effective watchdog or review body [when] there is not."

This type of investigation is done in British Columbia through the public hearing process, which is ordered by the Police Complaint Commissioner when it is in the public interest to do so. Counsel for the Commissioner presents the case to an adjudicator, and police officers are examinated under oath. The process is not simply an exercise that allows the public to blow off steam. The Police Complaint Commissioner is a genuine rather than a symbolic watchdog of the public interest.

As our oversight system in British Columbia is tested over time there will be continuous adjustments in the face of reality. The legislation gives the Police Complaint Commissioner many powers to ensure strong civilian oversight of municipal police in British Columbia. The Office of the Police Complaint Commissioner is legislatively equipped to carry out its responsibilities. It is a stronger oversight model than many of those throughout the world. Civilian oversight in British Columbia will not be an empty ritual.

Role, Mandate, and Purpose

The Office of the Police Complaint Commissioner is an independent agency established under the ***Police Act*** to ensure that complaints against municipal police in British Columbia are handled fairly and impartially.

There are 12 municipal police forces in British Columbia, policing the communities of:

- Abbotsford
- Central Saanich
- Delta
- Esquimalt
- Nelson
- New Westminster
- Oak Bay
- Port Moody
- Saanich
- Vancouver
- Victoria
- West Vancouver

Complaints concerning any member of these 12 departments, or complaints about the policies of a department, fall under the mandate of the Office of the Police Complaint Commissioner.

The Office of the Police Complaint Commissioner provides an accessible way for the public to complain to an independent body about the conduct of any municipal police officer. The Office of the Police Complaint Commissioner is not a discipline authority for municipal police officers. We are here to ensure that the complaint process is conducted with impartiality and fairness, both to members of the public and to members of the municipal police forces.

Commissioner's Jurisdiction and Role

The Commissioner oversees the handling of all lodged public trust and service or policy complaints. A lodged complaint is one that is written on a Form 1 Record of Complaint and "lodged" with the Commissioner or a discipline authority under section 52 of the *Police Act*. The Act requires the Commissioner to receive a complaint from any person, orally or in writing. The Commissioner can process a complaint under the public trust or service or policy provisions of the Act if:

- the Commissioner orders an investigation or a public hearing, or
- a person writes the complaint on a Form 1 Record of Complaint and lodges it as described above.

The Commissioner has statutory jurisdiction over complaints about a municipal police officer (public trust complaints) or the services or policies of a municipal police department.

Commissioner's Mandate and Powers

The ***Police Act*** requires the Commissioner to:

- Oversee the handling of complaints about municipal police or police services or policies.
- Receive complaints from any source.
- Maintain a record of those complaints and their dispositions.
- Compile statistical information about complaints about municipal police or police services or policies.
- Report regularly to the public about complaints, complaint dispositions and the complaint process.
- Inform and assist the public, complainants, police officers, police boards and adjudicators about the complaint process and the handling of complaints.
- Periodically review the complaint process and make recommendations for the improvement of that process in an annual report.
- Establish procedures for mediation and guidelines for informal resolution of public trust complaints.

The ***Police Act*** permits the Commissioner to:

- Engage in or commission research on any matter relating to the police complaint process under Part 9 of the ***Police Act***.
- Make recommendations to police boards about written policies or procedures that may have been a factor that gave rise to a complaint.
- Prepare guidelines about the receiving of complaints generally.
- Make recommendations to the director of Police Services or the Attorney General that a review or audit be undertaken to assist police to develop training designed to prevent recurrence of problems revealed by the complaint process.
- Make recommendations to the Attorney General for a public inquiry under the provincial ***Inquiry Act***.
- Refer a complaint to Crown counsel for possible criminal prosecution of a police officer.

Obtaining Information and Records

The Commissioner may obtain information about a complaint by taking statements and interviewing the complainant and respondent officer and the officer's disciplinary authority. Further, the Commissioner may request records relating to a complaint from any person. The Commissioner may review the disciplinary decisions of the discipline authority of a respondent officer by:

- Ordering the discipline authority to provide various internal records and provide additional reasons justifying the disciplinary or corrective measures proposed in a complaint disposition.
- Reviewing the respondent officer's service record of discipline.

- Ordering a further investigation or a public hearing.

Investigations and Public Hearings

The Commissioner may order an investigation or a public hearing into police conduct whether or not a person lodges a complaint.

The Commissioner may order an investigation into police conduct by:

- The police department responsible for the officer who is the subject of the investigation.
- An external investigation by another municipal or provincial police department.

The Commissioner may take statements and interview the complainant and respondent officer and the officer's disciplinary authority as stated above.

Discretion to Order Public Hearings

The Commissioner may order a public hearing when necessary in the public interest, with or without a request from either a complainant or respondent officer, considering relevant factors including, but not limited to:

- The seriousness of the complaint.
- The seriousness of the harm alleged to have been suffered by the complainant.
- Whether there is a reasonable prospect that a public hearing would assist in ascertaining the truth.
- Whether an arguable case can be made that:
  - there was a flaw in the investigation,
  - the disciplinary or corrective measures proposed are inappropriate or inadequate, or
  - the discipline authority's interpretation of the Code of Professional Conduct was incorrect.
- Whether a hearing is necessary to preserve or restore public confidence in the complaint process or in the police.

The Past and the Future

Accomplishments in 1999

Accessibility

A major focus of the Office of the Police Complaint Commissioner in 1999 has been to make the complaint process more accessible to the communities and people we serve. We sought to achieve this objective in two ways: through the Internet and by making information available in plain language.

Web Site In May 1999, the Office of the Police Complaint Commissioner's Web site went on-line at www.opcc.bc.ca. The Web site contains information of interest to the general public, to complainants, and to police officers and departments. It includes information on making a complaint (including the necessary complaint form), frequently asked questions, reasons for the Commissioner's decisions, the schedule for public hearings, statistics, and more. The Web site also provides a direct e-mail contact to the Office. In the coming year, we hope to expand the Web site to include links to related sites of interest.

Plain Language Information Members of our staff re-designed and re-worded the literature our office produces in an effort to make it more understandable to the general public. A completely new document was produced: *The Municipal Police in British Columbia: Complaint Process*. This document is written in plain language, and is an effort to explain in layman's terms the way the complaint process works.

CATS Database

In April 1999, the Office of the Police Complaint Commissioner began tracking all complaints electronically. Our new complaints database (CATS) was created by Alan Davies under contract to Drake International, and was developed in Access 97. The staff of the Office of the Police Complaint Commissioner wishes to thank Mr. Davies and Drake International for their invaluable assistance. The CATS database enables us to track each complaint through all stages of the complaint process, and provides current status and up-to-date statistics at any time.

In December 1999, two test versions of the CATS database were made available to the Vancouver Police Department and the Saanich Police Department. We expect that all 12 municipal departments will have the database in early 2000.

Roster of Adjudicators

A change in legislation during 1999 required the Commissioner to establish a roster of public hearing adjudicators from retired justices of the Supreme Court and Provincial

Court of British Columbia. A sufficient number of respected adjudicators are currently available to ensure the highest quality of decision-making at public hearings.

Training

The goal of providing face-to-face training in the ***Police Act*** by members of this Office to all municipal constables was achieved. We wish to recognize the interest shown by police participants, even during the early morning "roll call" training sessions!

A workshop on "Duty Reports, Officer Statements, and Disclosure of Internal Investigation Files," sponsored by the Office of the Police Complaint Commissioner, was held in Victoria in October 1999. Representatives from police departments across western Canada participated.

CACOLE

The Commissioner was elected President of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) for a two-year term. His role in organizing the annual CACOLE conference for 2000 has provided an opportunity to strengthen the new direction of civilian oversight.

Ethics

The use of an ethicist to provide police with ethical opinions has received favorable comment from the Southwestern Institute for Law Enforcement Ethics.

Goals for 2000

We will continue efforts to improve accessibility in 2000, by increasing awareness of the Office of the Police Complaint Commissioner and its role through community newspapers, and by meeting and speaking with interested community and advocacy groups.

During the ***Police Act*** training given to all municipal constables in British Columbia, it became apparent that officers have a great interest in keeping current with legal issues that affect policing. Little material is available in a format suitable to the needs of the line officer. The Office of the Police Complaint Commissioner is prepared to fill that gap as a strategy towards minimizing complaints by enhancing the ability of officers to deliver quality service.

To this end, the Office of the Police Complaint Commissioner is supporting training to be delivered in the coming year to enhance the professionalism of police. Sessions in spring and fall 2000 will bring experts and officers of all ranks together to discuss topics such as ethics, freedom of information, dispute resolution options, and how to deal with culpable and non-culpable behaviour.

The Complaint Process

Who can make a complaint?

Anyone who has concerns about the actions or comments of a municipal police officer or the service provided by a municipal police department may make a complaint.

How are complaints made?

A complaint must be made in writing, on an approved form. The completed form can be delivered in person or by mail to the police department involved or to the Office of the Police Complaint Commissioner. If the complainant needs help in making a complaint, the Office of the Police Complaint Commissioner will help him or her to fill out the form, and will provide information about mediation, support services and translation. Complaints can be withdrawn at any time.

What happens to the complaint?

The Office of the Police Complaint Commissioner forwards all complaints to the appropriate police department for investigation. The police department must report to the Police Complaint Commissioner at each stage of their investigation to advise the Commissioner of what is happening with each complaint. The complainant is also provided with ongoing information about his or her complaint. The complaint will be characterized as either *Public Trust, Service and Policy*, or *Internal Discipline*. Most complaints fall under the Public Trust category, and are processed in the following manner.

Public Trust Complaints

Public trust complaints affect the relationship between a police officer and the community, and allege specific misconduct on the part of a police officer. A public trust complaint will be resolved in one of three ways:

1. Informal Resolution

Public trust complaints may be resolved informally by face-to-face discussions, by letter, by telephone, or with the help of a professional mediator. A complaint is resolved when both parties to the complaint (the complainant and the police officer) have given their signed consent, after which either party has 10 days to withdraw his or her consent in writing. Otherwise, the informal resolution is final and binding.

2. Summary Dismissal

A public trust complaint may be dismissed if there is no likelihood that further investigation would produce evidence to substantiate the complaint, or if the complaint concerns a matter that happened more than 12 months ago. If the complainant disagrees with the department's decision to dismiss the complaint, he or she can apply for a review of the decision by the Police Complaint Commissioner.

3. Investigation and Conclusion

A public trust complaint will be investigated if it is not informally resolved or summarily dismissed, or if the Police Complaint Commissioner orders an investigation. A complaint will be investigated by the police department involved, or may be referred by the Police Complaint Commissioner to another police department to investigate.

The investigation into a complaint must be completed within six months after the date the approved complaint form was filed. The Police Complaint Commissioner may grant an extension of this time. If the complainant is unhappy with the results of the investigation, he or she may apply to the Police Complaint Commissioner for a public hearing.

Service and Policy Complaints

Service and policy complaints are complaints about the policies, procedures and services provided by a municipal police department. An example of a service and policy complaint would be a complaint that insufficient police officers were stationed at a public event. The public trust process described above does not apply.

Service or policy complaints are the responsibility of each police board. The police board must advise the Police Complaint Commissioner and the complainant of the results, including what course of action, if any, was taken and provide a summary of the results of any investigation or study.

The Police Complaint Commissioner cannot require a board to take any particular course of action regarding a service or policy complaint, but may make recommendations.

Internal Discipline Complaints

Internal discipline complaints concern police misconduct that is of concern to the officer's employer but does not affect the officer's relationship with the public. An example of an internal discipline complaint would be that the officer did not secure his or her firearm properly in the police locker.

The principles of labour law apply to the investigation and processing of internal discipline complaints. The public trust complaint process as outlined above does not apply.

In serious matters involving a police force member's duty to the public, the Police Complaint Commissioner is likely to re-characterize internal discipline complaints as public trust complaints.

Public Hearings

The ***Police Act*** empowers the Police Complaint Commissioner to order public hearings on complaints, based on whether the hearing is in the public interest. After receiving a request for a public hearing, the Commissioner will consider the following factors before making a decision to approve or deny the request:

- The seriousness of the complaint.
- The seriousness of the harm done.
- Whether a public hearing is needed to discover the truth.
- Whether there was a flaw in the investigation done by the police department, the measures proposed are inappropriate or inadequate, or the discipline authority's interpretation of the Code of Professional Conduct was incorrect.
- Whether a public hearing is necessary to restore or preserve public confidence in the complaint process and in the police.
- Whether the allegation is a "disciplinary default" under the Code of Professional Conduct Regulation.

The Commissioner appoints a retired judge of the Provincial Court, the Supreme Court or the Court of Appeal to preside at the public hearing. The appointed adjudicator must arrange and set the earliest practicable date for the public hearing.

The Commissioner will appoint counsel to present to the adjudicator the case relative to the alleged discipline defaults respecting a public trust complaint. The counsel appointed by the Commissioner may call any witness who, in commission counsel's opinion, has relevant evidence to give, whether or not the witness was interviewed during the original investigation, and introduce into evidence any record, including without limitation, any record of the proceedings concerning the complaint up to the date of the hearing.

At a public hearing the respondent officer may examine or cross examine witnesses, the complainant and respondent may make oral or written submissions, or both, after all the evidence is called, and the complainant and respondent may be represented by private counsel or agent. A public hearing is open to the public unless, on the application of the complainant or respondent, the adjudicator orders that some or all of the hearing be held in private to protect a substantial and compelling privacy interest.

The adjudicator must decide if the alleged disciplinary default has been proved on the civil standard of proof. If a disciplinary default is so proved, the adjudicator may impose any disciplinary or corrective measure that may be imposed by a disciplinary authority, or affirm, increase or reduce the disciplinary or corrective measures proposed by the disciplinary authority.

Once a decision has been reached at the public hearing, the only appeal available to that decision is by the Court of Appeal on questions of law only.

Ethics in Policing

The Commissioner believes in promoting topics of growing interest in the policing community that positively affect police conduct. One such topic is that of ethics. To promote a better understanding of this topic, the Commissioner requested four opinions and a presentation from Dr. Eike-Henner W. Kluge, an expert in ethics. Dr. Kluge is chair of the Department of Philosophy at the University of Victoria.

In July 1999, Dr. Kluge reported to the Commissioner about whether a police department, on discovering that its officer had violated the Charter rights of a citizen, was ethically obliged to disclose the officers' conduct to the citizen. Dr. Kluge analyzed a fact pattern involving the search of a citizen's residence by police officers, acting without a warrant, on suspicion that the citizen was involved in selling illegal drugs. Dr. Kluge concluded that the department does have an ethical obligation to disclose its officers' conduct. The Commissioner gave a copy of this opinion to the chief constable of the department in question.

In August 1999, Dr. Kluge responded to this question posed by the Commissioner: *"What are the ethics of Constable X contacting Mr. Y's workplace and advising [Mr. Y's employer] of the off-duty conduct of Mr. Y?"* The situation involved a police constable who had exercised his discretion not to charge a citizen under the Criminal Code. The constable later decided to inform the employer of one of the citizens about his off-duty conduct. That citizen later lodged a complaint with the Police Complaint Commissioner. This situation provided an excellent opportunity for ethical analysis and education about ethical policing.

In October 1999, Dr. Kluge prepared a lecture on "Ethical Obligations of Police Departments in the Investigation of Police Conduct," which was presented at a meeting of the 15-member Legislative Review Committee in Victoria, BC. Dr. Kluge wrote up his presentation so that the Commissioner could share it with his staff and others.

In November 1999, Dr. Kluge gave his opinion of the use of informal resolution in the police complaint process in a paper titled "The Informal Resolution of Complaints: Ethical Considerations." This and Dr. Kluge's other material prepared for the Commissioner is available on the Commissioner's Web site at www.opcc.bc.ca.

Status of Major Investigations

Major files are often noteworthy for the scope of the investigation and the mass of information arising from statements and interviews that require follow-up. Investigations involving multiple complainants or respondents place increased demands on police investigators and the OPCC staff investigator assigned to monitor the progress of a particular investigation.

Towards the end of 1998 and during 1999, three police complaints arose and were quickly identified as major complaint files. These complaints involved multiple complainants and respondents, and complex issues arising from police action. The two 1998 complaints were not reported in the *1998 Police Complaint Commissioner Annual Report* because the investigations had not concluded.

❖ *In 1998, the New Westminster Police Service responded to a "significant and serious" change in the local drug trade. The appearance of crack cocaine drug trafficking in the downtown core was attributed to an influx of new "ethnic" drug traffickers. A three stage enforcement strategy was employed, which included "sweeps," "Operation Crackdown," and "an integrated multi-agency plan."*

On November 23, 1998, the BC Civil Liberties Association lodged a complaint against the New Westminster Police Service for their "tactics and conduct regarding their efforts to address street level drug trafficking in New Westminster."

The specifics of the complaint alleged that members of the New Westminster Police Service

- Abused their authority by entering private dwellings with the assistance of representatives from other agencies;
- Abused their authority by entering and searching private dwellings without legal authority;
- Abused their authority by using the "choke hold" during the arrest of two individuals;
- Abused their authority by unlawfully removing people from New Westminster;
- Engaged in discreditable conduct by exposing the identity of individuals to the media;
- Engaged in discreditable conduct by discriminating against the Honduran people.

On November 23, 1998, the Police Complaint Commissioner ordered an external investigation to be conducted by Delta Police Department chief constable Jim Cessford, with Oak Bay Police Department chief constable Ben Anderson appointed as the

external discipline authority. On July 30, 1999, the Police Complaint Commissioner ordered an extension of time for the completion of the investigation to October 1, 1999.

On September 30, 1999, a related service and policy investigation report was submitted to the New Westminster Police Board; and on October 18, 1999, the public trust (conduct) final investigation report was submitted to the chief constable of the New Westminster Police Service and the Police Complaint Commissioner. On October 29, 1999, the Police Complaint Commissioner released the reports to the public by posting them on the OPCC Web site.

The service and policy report recommended the adoption of a "model" Breach of the Peace policy and the adoption of a policy dealing with Operational Plans. The report noted that the New Westminster Police Service had already revised their Use of Force, Media Relations and Search policies.

The conduct complaint final report determined that the investigation found no evidence to support the allegations of entering private dwellings with the assistance of other agencies; entering and searching private dwellings without legal authority; police use of the "choke hold"; unlawfully removing people from New Westminster; and discriminating against the Honduran people. The investigators recommended the dismissal of those complaint allegations.

The investigation substantiated the allegation of "disclosure of identity of individuals to the media," and the officers involved received a verbal and written reprimand. No public hearing request was forwarded to the Police Complaint Commissioner.

On December 7, 1999, the Police Complaint Commissioner determined that a public hearing was not required. The reasons for that decision were posted on the Commissioner's Web site www.opcc.bc.ca.

❖ *The December 8, 1998 deployment of the Vancouver Police Department against protesters during a speaking engagement by the Prime Minister at the Hyatt Hotel resulted in multiple complaints alleging abuse of authority.*

An investigation into these complaints by the Vancouver Police Department was completed on October 5, 1999.

The Police Complaint Commissioner received requests for a public hearing from four complainants following the release of this report. The Police Complaint Commissioner ordered a public hearing on December 17, 1999. The public hearing is currently being heard before adjudicator Mr. K.C. Murphy, Q.C., a retired justice of the Supreme Court of British Columbia.

- *The January 3, 1999, deployment of the Abbotsford Police Department Emergency Response Team (ERT) for execution of a search warrant, and the fatal shooting of the family dog by police during a child's birthday party, resulted in multiple complaints alleging abuse of authority and discreditable conduct.*

On 14 January 1999, the Police Complaint Commissioner ordered an external investigation into those complaints. Chief Constable Grant Churchill of the West Vancouver Police Department was appointed as the Discipline Authority. The investigation was conducted by Chief Constable Peter Young of the New Westminster Police Service, with the assistance of Professional Standards officers Sgt. Phil Eastwood (NWPS) and Sgt. Dave Bingham (WVPD).

No findings of misconduct were made against any of the police officers involved, although investigators remained concerned that excessive force may have been used and also determined that pre-raid surveillance had been inadequate. The report recommended changes in departmental policy and procedure which were accepted by the Abbotsford Police Board.

In response to requests for a public hearing made by several complainants, the Police Complaint Commissioner ordered a public hearing on October 8, 1999. That hearing is taking place before adjudicator Peter J. Millward, Q.C., a retired justice of the Supreme Court of British Columbia.

Case Summaries

Informal Resolution of Complaints

Police departments have the authority under the ***Police Act*** to attempt informal resolutions at any stage in the complaint process. The informal resolution process can be started at the department even before the complainant initiates a formal complaint by completing the complaint form. The Commissioner has encouraged this practice as he sees this type of resolution as the most effective means of reaching a mutually satisfactory outcome to the less serious type of police complaint. Sometimes the process is enough in itself to satisfy the complainant. An informal resolution allows the complainant a viable mechanism to articulate his or her concerns about an incident in a face-to-face meeting with the police officer with whom the problem arose, usually with a senior member overseeing the process. This informal process provides complainants with the assurance that the police have listened to their side of the story and have taken whatever action is deemed mutually agreeable to resolve the problem.

The following case is an example of an informal resolution of a complaint.

- *A person visiting from Alberta had no fixed address in B.C. During his stay, his wallet and keys were removed from his jacket, and his motorcycle was stolen. After two unsuccessful attempts to report the theft at the police department's public information counter, the complainant successfully reported the theft and was advised his motorcycle had been recovered but could not be returned to him as it had been impounded. During a routine traffic stop, police found the driver of the motorcycle had outstanding fines. The driver informed police he had borrowed the motorcycle. As it had not been reported stolen, police impounded the motorcycle.*

  The complainant lodged a complaint expressing his frustration and his wish to simply recover his motorcycle and return to Alberta.

By the following afternoon, the police department investigator had the theft investigated, arranged the waiving of the administrative impound fee, and co-ordinated the return of the motorcycle to the complainant, who returned to Alberta.

The investigator subsequently received a "Best Practices" acknowledgement from the Police Complaint Commissioner.

Summary Dismissal of Complaints

A majority of the complaints that were concluded in 1999 by the discipline authorities were concluded as summary dismissal. At first glance, this might indicate that the complainant's side of the story was given short shrift by the police department involved and that the decision was arbitrary and unfair. But this is not the case. A majority of the cases closed by summary dismissal involved a detailed examination of the complaint and the department's relevant documentation by the department's professional standards/internal affairs unit. Only after preliminary investigation would the department decide that further investigation would be unlikely to benefit the complainant. The investigators usually find that no supporting or corroborative evidence or witnesses are available to support either side's version of the event.

In many respects this is an unfortunate result, because it does not allow a satisfactory conclusion for either side. From the police perspective this can be frustrating, since often the complainant will feel that his or her complaint was not given the full consideration it deserved, and that the police have 'closed-ranks' and simply shrugged off the complaint, whereas the police certainly feel they have investigated the matter as well as they could and have reached the only conclusion they could in keeping with the evidence available.

The 'equalizer' in this process is the Office of the Police Complaint Commissioner. All investigative conclusions reached by the police must be vetted by this office, whether a complainant requests further review or not. The Commissioner has the legislated authority to review all of the documentation used by the police to reach a decision and this office reviews each case before confirming the department's decision. This process applies not only to the cases that have been summarily dismissed, but to all other types of investigative file closures. Despite this process, the perception still persists with some members of the public that when the police investigate themselves it is not a fair and open process. This is unfortunate, as it is not the case; civilian oversight provides an independent set of eyes to ensure that the police complaint process is open, fair and reasonable.

The following case is an example of a complaint that was summarily dismissed by the police department and confirmed by this office.

- *A person complained that two police constables used excessive force while arresting him. The incident occurred when police were called to a "loud noise/party"' complaint at a local hotel and encountered resistance from some of the party participants, including the complainant, when they had attempted to evict them from the premises.*

The police investigated the complaint and completed a report of the investigation for the chief constable. After reviewing the evidence obtained during the investigation, which included an independent eye-witness account from an impartial hotel guest that essentially corroborated the police officers' statements, the chief concluded that his

officers had acted reasonably in their handling of the situation. The chief summarily dismissed the complaint.

The complainant wrote to the Police Complaint Commissioner to indicate that he was dissatisfied with the chief's decision and he requested that the Police Complaint Commissioner review the police investigation and the chief's decision.

The Police Complaint Commissioner informed the complainant that he found the police decision had been reasonable and understandable in light of the evidence that had been considered by the chief.

Not Substantiated

"Not substantiated" is a category of closure arrived at only after a detailed investigation by the department involved. The evidence considered by the department must, of course, support the finding that the matter has been not substantiated.

Under this category of closure, the complainant can file a request for a public hearing with the Commissioner. Again, in all cases, this office reviews the police investigation and conclusion whether or not a request for a public hearing has been received from the complainant.

The following case is an example of an unsubstantiated closing.

- *A person reported a robbery attempt at an ATM machine and that the suspect was seen entering the front door of a condominium building in the area. Police soon after arrived at the address and posted officers at every available exit and then conducted a search. The building manager arrived at the building being searched. As soon as the manager entered the inner lobby he was stopped by an officer who asked him whether he would mind stepping outside of the building as there was a problem inside. The manager advised the officer that he was the building manager and that he might be of some service. The officer again advised the manager to step outside and wait with the rest of the tenants. Then the officer, hearing movement in the elevator and feeling it might have been the suspect, pushed the manager out of the way, believing that he needed to maintain safety for all. The manager tripped and fell.*

  The manager, believing the police officer had acted inappropriately, filed a complaint.

Although it was understandable from the manager's perspective that he would be upset at being refused entry into the building of which he was the manager, the police investigation concluded that the officer had acted in a manner that was appropriate under the circumstances. The police concluded that while what had happened to the manager was regrettable, the officer had acted in that manner in an effort to ensure his own safety and that of the manager. The complainant was advised that his complaint was not substantiated.

The complainant requested that the Commissioner order a public hearing into the matter. The Commissioner denied the complainant's public hearing request, and found that the department's conclusion was reasonable.

Service and Policy Complaints

Service and Policy Complaints concern the policies, procedures and services provided by a police department. The complaints are the responsibility of each police board, who advise the Police Complaint Commissioner and the complainant of the results of the board's deliberations.

❖ *A complainant alleged that Delta Police neglected to notify his wife of the recovery of her motor vehicle stolen in Surrey on November 6, 1998. The RCMP advised the Delta Police Department of the recovery of the vehicle, but neither police agency advised his wife. On December 10, 1998, she received a notice from the towing company advising that her vehicle would be sold if not retrieved. The crux of his complaint was that his wife had incurred extra expenses and suffered inconvenience.*

On September 9, 1999, a report from the chair of the Delta Police Board detailed an apology from the Delta Police Department for the mishandling of the file and reported that the complainant had received financial compensation of $200.

❖ *A complainant alleged that a police officer arbitrarily stopped her motor vehicle, arrested and searched her without producing a warrant, and transported her to cells in a police wagon. Additionally, the complainant expressed concern that she was released in the middle of the night into the back alley of the main police station, which she said was located in an unsafe area. She complained that she was not provided transport back to her vehicle or access to a taxi.*

On February 3, 1999, a report from the Service and Policy Complaint Review Panel of the Vancouver Police Board concluded that the officer had acted appropriately in arresting the complainant, based on an existing Traffic Bench Warrant. Also, the search and transport by police wagon was in keeping with the department's policy and procedure. The jail videotape concerning the date of the arrest incident could not be located.

As a result of the complaint, the Board identified two policy areas for review:

- That the police department develop a policy to address the risk of releasing vulnerable individuals, especially females, at the rear of the city jail after regular office hours. This is of particular concern when prisoners are released after 8 p.m. and the front Public Service Counter is closed (for example, when appropriate prisoners could be given the option of requesting a taxi at their expense and waiting in the jail until its arrival).
- That the jail videotape log be re-implemented to properly account for the videotapes.

❖ *A complainant, who was a resident outside of the city of Vancouver, forwarded a detailed complaint that outlined his concerns arising from a 1997 letter he had forwarded to the Vancouver Police Department, regarding instructions in a handbook published by the Legal Services Society offices in Vancouver. The complainant suggested that those instructions encouraged contravention of the* Disability Benefits Program Act, *and that the matter had not been investigated.*

On June 3, 1999, a report of the Service and Policy Complaint Review Panel of the Vancouver Police Board advised the complainant that his complaint had been dismissed.

The report referred to an earlier letter forwarded to the complainant by the Vancouver Police, which stated "due to the complexity of the allegations and due to concerns over jurisdiction, that no investigation can be initiated at this time"; "that it would be necessary for the complainant to meet personally with police staff in Vancouver"; and "further correspondence on the subject would not be acknowledged." The Review Panel concurred with the earlier advisement and advised the Board would not take any further action on the complaint.

❖ *A complainant alleged that he found it "impossible" to report a crime to the Vancouver Police Department, and related two experiences with staff at the Pubic Service Counter.*

On October 28, 1999, a report of the Service and Policy Complaint Review Panel of the Vancouver Police Board advised it was not possible to confirm the details of the alleged interaction with Pubic Service Counter (PSC) staff, due to the delay from the date of the incident and the lodging of the complaint. As well, PSC staff had no recollection of any such interaction with the complainant.

The report advised that that the PSC supervisor would be requested to meet with PSC staff to ensure that fact-finding and report-taking is being conducted appropriately and to the highest standard possible. Furthermore, the Board will request the Sergeant in charge of the section to review procedures as they relate to the Ministry of Social Development and Economic Security.

Complaint Dispositions

The Police Complaint Commissioner is required by section 50 of the ***Police Act*** to prepare regular reports of the complaint dispositions made or reached during the reporting period.

This 1999 annual report contains summaries of citizen complaints that resulted in corrective measures for 1 July to 31 December 1999. The complaint dispositions for 1 July to 31 December 1998 were reported in the *1998 Annual Report*, and for 1 January 1 to 30 June 1999 in the *Report on Complaint Dispositions*. These reports are available on the Commissioner's Web site at www.opcc.bc.ca or on request from the Office of the Police Complaint Commissioner.

OPCC0115 **Improper Off-Duty Conduct** **Closed: September 14, 1999**

❖ *An RCMP officer brought to the attention of the chief constable details of two occasions on which RCMP officers had stopped the constable for both* Motor Vehicle Act *and* Liquor Control Act *offences. On both occasions, the constable was in the company of persons who have criminal records. The RCMP officers felt that the constable had used police identification to impress civilians and to avoid prosecution. Further, the constable was unprofessional and confrontational when questioned by the RCMP officers.*

The chief constable found the disciplinary default of improper off-duty conduct on two occasions proven. The constable had acted in a manner likely to discredit the reputation of the department. The chief suspended the constable for three eight-hour days without pay. The mitigating and aggravating factors considered by the chief constable included:

- The officer's record of employment
- The constable's conduct was likely to have brought discredit to the reputation of the department in the eyes of the public and the RCMP officers who dealt with him on the two occasions
- The likelihood of future breaches of the Police Act by the officer
- The officer's recognition that he had a significant alcohol-related problem to be addressed through counselling.

OPCC149 **Discreditable Conduct** **Closed: August 23, 1999**

❖ *The constable attended at a store where a Break and Enter had been reported by the storeowner. A citizen and the constable had a verbal exchange during which both got extremely upset with one another. Because of this interaction, the citizen complained that the constable had yelled at him and had implied he was being less than honest in his report of stolen goods. The argument stemmed from misunderstood or misinterpreted remarks made by both. The constable and the citizen had had prior contact during a shoplifting investigation.*

The chief constable considered the officer's service record, the seriousness of the breach, the prior unhappy history between the citizen and the officer, his willingness to accept responsibility for his actions and the likelihood of future breaches. The chief constable did not impose any corrective measures. He advised the officer about how citizens judge the entire police profession on one officer's actions.

OPCC134 Discreditable Conduct Closed: September 14, 1999

❖ *Police officers responded to a complaint of a Break and Enter in progress at a suburban residence. The constable blocked the complainant's vehicle into the curb using his cruiser. The constable had his firearm drawn at the ready position when he ordered two fourteen-year-old boys to raise their hands and slowly exit the vehicle. When the complainant exited the vehicle, the constable pointed his firearm at her and ordered her to stay in the vehicle. The constable failed to observe a five-year-old child seated in the car. The complainant was the mother of two of the boys. The incident occurred in front of the other boy's home. He had forgotten the key to his house and had tried to enter through a window when a neighbour saw and reported his suspicious behaviour.*

The chief constable confirmed the investigator's finding that the constable had committed discreditable conduct. The investigator's corollary findings of a breach of the department's policy for the constable's failure to see who the vehicle driver was or assess the risk she may have posed was also substantiated. The chief constable was of the view that corrective measures were required. The constable received advice as to his future conduct and was required to take training in the use of firearms, force options theory, vehicle stops and officer investigation and safety tactics in vehicle stop situations. The complainant received an apology from the department. The chief constable considered the following factors:

- The constable's 11-year service record with another department and his four-year record with the department
- The constable's belief that the vehicle was stolen and his observations when he arrived on the scene.

OPCC166 Abuse of Authority and Neglect of Duty Closed: August 4, 1999

❖ *The constable executed a Canada-wide warrant and arrested the complainant for being unlawfully at large. At the time of his arrest, the complainant possessed $415 in cash and a quantity of drugs. The constable seized the money and the drugs. The complainant alleged that the constable threatened to charge him if he did not admit that the money was the proceeds of crime. He alleged also that the constable did not give him a receipt and wrongfully seized his money, as it was not proceeds of crime. The constable failed to submit a federal Form 5.2A Report to a Justice of the Peace.*

The chief constable confirmed the investigator's finding that the allegation of abuse of authority was unsubstantiated. The investigator's corollary finding of a breach of a

federal regulation and the department's policies for the constable's failure to submit a Form 5.2A Report was substantiated. The chief constable was of the view that corrective measures were not required. Instead, the constable received management advice from a senior officer as to his future conduct regarding the completion of legal forms required for seized property. The complainant received his $415 from the department.

OPCC239 **Discreditable Conduct** **Closed: September 9, 1999**

❖ *Two police officers used unprofessional language to a citizen during a roadside stop of the citizen's motor vehicle. The citizen filed a formal complaint that the Police Complaint Commissioner confirmed as a public trust complaint.*

The chief constable declined to discipline the police constables. Instead, each received advice as to future conduct about the use of unprofessional language. The factors considered by the chief constable included:

- The incident was minor in nature; and
- The constables had no previous disciplinary record.

OPCC247 **Discreditable Conduct** **Closed: August 23, 1999**

❖ *A police constable was assigned to investigate a report of sexual assault. The alleged victim of the assault was not co-operative in the investigation and an eyewitness had provided inconclusive evidence to the constable. The constable closed the file two months after commencing the investigation. The alleged victim filed a victim statement four weeks after the constable had closed the file. The constable did not re-open the file. The citizen filed a formal complaint, alleging that the investigating constable had not sufficiently pursued the investigation. The citizen also complained about certain things the constable had said to her and to the alleged suspect.* ***The Police Complaint Commissioner confirmed the complaint, as a public trust complaint.***

The chief constable declined to discipline the police constable although the constable had acted improperly in failing to re-open the file and submit a report to Crown Counsel. However, the constable received advice as to the handling of similar investigations in the future. The factors considered by the chief constable included:

- When the complaint was brought to the constable's attention, the constable completed the investigation thoroughly and promptly and submitted a report to Crown Counsel;
- The complainant refused to accept delivery of any mail from the department about her complaint and informed the investigator that she had lost interest in the matter; and
- The constable had no previous disciplinary record.

OPCC277 **Neglect of Duty** **Closed: September 21, 1999**

❖ *A police constable was involved in a vehicle pursuit. A senior officer filed a formal complaint, alleging that the constable had disregarded several sections of the department's regulations and procedures manual about "Police Vehicle – Pursuit Policy" and that the constable's report to Crown Counsel and his internal report were inconsistent. The Police Complaint Commissioner confirmed the complaint, as a public trust complaint.*

The chief constable declined to discipline the police constable although the constable had acted improperly in failing to adhere to department policy and failed to file consistent reports internally and to Crown Counsel. However, the constable received advice as to the handling of similar vehicle pursuits in the future and the necessity of adhering to department policy about vehicle pursuits. The factors considered by the chief constable included:

- The incident occurred over a year before it was brought to the attention of the Internal Investigation Section;
- Two officers had previously conducted reviews of the incident and the chief constable concurred in principle with their findings and recommendations;
- That due to the time delay in Internal Investigations receiving the file, discipline under the Police Act was inappropriate;
- The constable had no previous disciplinary record.

OPCC327 **Discreditable Conduct and Improper Off-Duty Conduct** **Closed: August 23, 1999**

❖ *A police recruit was found to have cheated on a quiz during a police recruit training program. The recruit constable later lied when questioned by a senior officer about the matter. Subsequent investigation established that he had tried to convince another recruit to lie about the matter also. The Police Complaint Commissioner confirmed the complaint by a senior police officer, as a public trust complaint.*

The chief constable disciplined the police constable. He received a three-day suspension without pay for cheating on an exam (discreditable conduct) and dismissal from the police department for trying to convince another constable to lie about the incident (improper off-duty conduct). The factors considered by the chief constable included:

- The constable was immediately suspended pending the outcome of the internal investigation into the incident;
- The seriousness of the constable's conduct; and
- The constable's conduct constituted a serious breach of training academy policy, and department policy about ethical conduct, and his oath of allegiance.

OPCC238 **Discreditable Conduct and Abuse of Authority** **Closed: October 27, 1999**

❖ *A youth allegedly made a hand gesture toward a passing marked police vehicle. The patrol officers parked the vehicle alongside the youth. A constable exited the vehicle, grabbed the youth and a physical assault occurred. The constable's partner did not intervene to prevent or stop the assault. The constable had seriously and permanently injured the youth's left eye during the assault. The constable later pled guilty to a criminal charge of common assault. The Police Complaint Commissioner confirmed the complaint by the youth, as a public trust complaint.*

The chief constable disciplined the police constables. The constable ("Constable A") who assaulted the youth received a three-day suspension without pay for abuse of authority. The other officer ("Constable B") was not disciplined but received advice as to future conduct for failing to intervene to prevent the assault on the youth. The factors considered by the chief constable in disciplining **Constable A** included:

- The constable was charged and pled guilty to common assault;
- The constable admitted that his conduct was excessive but that he did not intend the harm to the youth;
- The seriousness of the constable's conduct and the harm caused to the youth;
- The youth had had a cornea transplant in his left eye three years prior to the incident and his eye was "fragile";
- The constable's use of force was unnecessary and excessive;
- The constable had no previous disciplinary record; and
- The constable is a first class constable and has been a police constable for 12 years.

The factors considered by the chief constable in his decision not to discipline Constable B were not disclosed to the Police Complaint Commissioner.

OPCC376 **Discreditable Conduct** **Closed: August 26, 1999**

❖ *A police officer directed a youth to pull her vehicle over to the roadside and then proceeded to write a motor vehicle offence ticket for the youth's failure to renew her driving license. The officer did not explain the reason for his actions to the youth before issuing the ticket or calling a tow truck. The youth lived nearby but the officer did not give her an opportunity to call a relative to drive her and the vehicle home. The officer had the car towed away. The youth filed a formal complaint, alleging that the officer had spoken to her rudely and not explained what was going on to her at the scene. The Police Complaint Commissioner confirmed the citizen's complaint, as a public trust complaint.*

The chief constable declined to discipline the police officer. The complainant and the officer mutually agreed to an informal resolution. The officer received advice from a

senior officer about the manner in which he dealt with the youth and as to the handling of similar situations in the future.

OPCC437 **Neglect of Duty** **Closed: October 21, 1999**

❖ *A police constable failed to attend court for a trial in which he was a witness, although Federal Crown Counsel had notified the constable of the court date. A senior officer of the constable's department filed a formal complaint, alleging that the officer had neglected his duty. The Police Complaint Commissioner confirmed the officer's complaint, as a public trust complaint.*

The chief constable disciplined the police constable by giving him a verbal reprimand for his neglect of duty. The factors considered by the chief constable in his decision are:

- The constable was an 18-year veteran of the department with a reputation as a capable drug investigator;
- According to the Crown prosecutor who initiated the complaint, for this constable to miss a court date was "a rarity"
- The constable had immediately admitted to his error when it was brought to his attention and accepted full responsibility for forgetting the court date; and
- The chief constable was satisfied that a verbal reprimand was a sufficient measure to ensure that the constable would not miss a court date again.

OPCC379 **Neglect of Duty** **Closed: December 2, 1999**

❖ *A police officer failed to attend court on two occasions. A senior officer of the constable's department filed a formal complaint, alleging that the officer had neglected his duty. The Police Complaint Commissioner confirmed the officer's complaint, as a public trust complaint. The internal investigator established that Crown counsel had notified the officer of the court date. The officer's family member had received a telephone message from a woman to the effect that the officer was not needed as a witness in court. The officer had not received a court de-notification slip from Crown counsel. The investigator could not prove that, on the second occasion, the officer had been notified of the court date.*

The chief constable disciplined the police officer by giving him a verbal reprimand for his neglect of duty. The factors considered by the chief constable in his decision were:

- The officer was an 18-year veteran of the department who, until these incidents, had given exemplary service to the department;
- The officer had admitted to his error, in regards to the first court date, when it was brought to his attention that he had failed to verify that the telephone message was accurate;
- The investigator concluded that there was no proof that the officer had been notified of the second court date; and
- The chief constable was satisfied that a verbal reprimand was a sufficient measure to ensure that the constable would not miss a court date again.

- The police department has instituted policy and procedure to ensure proper notification of officers for pending court appearances and cancellation of court appearances.

OPCC015 **Neglect of Duty and Discreditable Conduct** **Closed: July 26, 1999**

❖ *The constable was dispatched to investigate a report of a prowler. The constable failed to secure the scene and call in the identification team to obtain fingerprints and shoe imprints. He did not interview the victim and failed to interview another witness in a timely manner. The constable later proposed a deal to the suspect in an attempt to obtain a confession.*

The chief constable gave the constable a written reprimand that included the department's expected standards of investigation. The factors considered by the chief constable included:

- The constable's 20 years of service with no prior complaints or disciplinary action;
- The constable's forthrightness and acceptance of full responsibility;
- The seriousness of the combination of substantiated allegations;
- If made public, the behaviour would have an eroding effect on public confidence in the department; and
- The impact of the constable's conduct on the complainants.

OPCC029 **Discreditable Conduct** **Closed: July 26, 1999**

❖ *A school principal complained about the conduct of a school liaison officer after receiving reports of inappropriate conduct during school events. The complainant listed thirteen allegations, all of which were substantiated by the investigator. The constable was removed from school liaison duties and received disciplinary measures.*

The chief constable gave the constable a written reprimand. The factors considered by the chief constable included:

- The constable was a school liaison officer interacting with young students at the time of the incidents and the impact of the constable's conduct on the students;
- The constable voluntarily requested a transfer from the school liaison department;
- The constable's acknowledgement that he had exercised poor judgement; and
- The constable had no previous disciplinary record.

OPCC251 **Improper Use and Care of a Firearm** **Closed: July 15, 1999**

❖ *Two police constables, together with other officers, attended a Break and Enter in progress. One of the suspects attempted to run over one of the constables while fleeing the scene in a motor vehicle. The two constables opened fire with their handguns to prevent the suspect*

from running over the constable. The constables fired several shots while the suspect fled in the vehicle. A senior police officer filed a formal complaint that the Police Complaint Commissioner confirmed, as a public trust complaint.

The chief constable disciplined the police constable by imposing a written reprimand for improper use of his firearm by continuing to fire at a fleeing vehicle after a deadly threat no longer existed, contrary to department use of force policy. The factors considered by the chief constable included:

- The incident occurred while the constable was under extreme circumstances and was not premeditated;
- The constable's conduct was contrary to department use of force policy;
- The seriousness of the conduct and potential harm to anyone hit by a stray bullet that deflected off the vehicle
- No one was injured by the constable's conduct;
- The police constable admitted the allegation and accepted full responsibility; and
- The constable had an exemplary work record and no previous disciplinary record.

Commitment to Education: Training of Staff

As part of the ongoing commitment to education and training, the Commissioner and staff members attended a number of conferences and workshops in 1999. Short summaries of the conferences and workshops follow.Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) annual conference in Saint John, New Brunswick

- Western Canada "Use of Force" Conference in Calgary, Alberta
- National Internal Affairs Investigators Association Conference in Lexington, Kentucky
- Eighth Annual Ethics Conference, Centre for Law Enforcement Ethics in Dallas, Texas
- International Association for Civilian Oversight of Law Enforcement (IACOLE) World Conference in Sydney, Australia.
- Internal Affairs: Legal and Operational Issues training course in Portsmouth, New Hampshire
- Internal Affairs, Professional Standards and Ethics training course, Southwestern Law Enforcement Institute

CACOLE Annual Conference, September 1999

The Commissioner attended the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) annual conference. Topics included:

- Accountability: taking the pulse of law enforcement
- Judge Kaufman on the Morin inquiry
- Campbell Report implementation project
- First Nations and alternative justice
- Focussing today: planning for tomorrow
- Perspectives on investigations
- Mediation workshop

Western Canada "Use of Force" Conference, September 1999

Bill MacDonald, Investigator, attended the "Use of Force" conference, which is an annual event with host responsibility rotating between western Canadian municipal police departments. The 1999 Conference was hosted by the Calgary Police Services, Skills and Procedures Unit. The conference included the following sessions:

- Sharpening the warrior's edge and the bulletproof mind
- Violent encounters: killing and assaults of law enforcement officers

- Deadly force encounters: what cops need to know to mentally prepare for and survive a gunfight
- Analyzing use of force incidents
- Tactical and logistical considerations of a major operation
- Street patrol ground fighting
- Pat, wrap and attack knife defense
- Officer safety pyramid
- Taser pulse wave technology
- Managing police pursuits
- Team control tactics
- Fully integrated simulation training
- Close quarter subject control
- The combat triad

National Internal Affairs Investigators Association Conference, October 1999

Bill Summersgill, Investigator, attended the National Internal Affairs Investigators Association Conference. Association members are professionals employed by city, county, state or federal agencies, who are involved in the investigation of complaints of misconduct against police officers. The investigative staff of the Office of the Police Complaint Commissioner of British Columbia are members of this association.

Eighth Annual Ethics Conference, Centre for Law Enforcement Ethics, October 1999

The Registrar attended the annual Ethics Conference of the Southwestern Law Enforcement Institute's Centre for Law Enforcement Ethics. The Centre is the only institution in North America that has as its mandate the education of police and civilians about ethics in law enforcement.

The keynote speaker, chair of the Alberta Law Enforcement Review Board, Patrick J. Knoll, reviewed proactive initiatives by internal investigation departments in public complaint investigations in Australia, Canada, and the United States. He made the point that unless police services took the initiative to deal with public and internal complaints proactively, governments may act on citizens' concerns and take such matters out of their control.

Other speakers described recent examples of officers' unethical and criminal conduct and other police officers' reactions to this conduct. One speaker, Lt. Adams of the New York City Police Department, spoke of the need for police officers to break down the "code of silence" that protects officers who act unethically and tarnishes all officers' reputation.

IACOLE, September 1999

The Commissioner attended the International Association for Civilian Oversight of Law Enforcement (IACOLE) World Conference. Topics covered at the conference included:

- Global perspectives on civilian oversight of law enforcement
- Royal Commissions: a prelude to the reform process
- Incentives for change: the police perspective
- Parliament and the accountability of civilian oversight bodies
- What are the fundamentals of civilian oversight?
- Operational strategies to reduce corruption
- Evaluation of the effectiveness of civilian oversight
- Law enforcement bodies and the effectiveness of internal review systems
- Changing the culture: addressing the issue of political use of police

Internal Affairs: Legal and Operational Issues, April 1999

The Deputy Commissioner attended a training course put on by the International Association of Police Chiefs. The course was attended by police officers and federal agents from throughout the United States and by senior officers of the Bolivian National Police. Topics included:

- Criminal vs. administrative statements
- Civilian witnesses and employee statements
- Statement-taking techniques
- Law enforcement officer rights/discipline
- Drug-testing procedures
- Sexual harassment and discrimination cases
- Taking complaints
- Pre-interview and statements: complainants
- Police shooting investigations
- Excessive force: use-of-force reporting
- Out-of-jurisdiction investigations
- Domestic violence cases

Internal Affairs, Professional Standards and Ethics training course, Southwestern Law Enforcement Institute, April 1999

- The Southwestern Law Enforcement Institute is a major resource for advanced seminars and courses not offered by local or regional policing agencies. It pursues excellence in the administration of justice for law enforcement administrators through state-of-the-art technical assistance and research. Bill MacDonald, Investigator, attended the Professional Standards and Ethics training course.

A Canadian Perspective: Oversight Agencies

The Office of the Police Complaint Commissioner is in contact with other Canadian organizations that receive complaints from the public about police conduct, service or policy. We have received many requests for contact information for these organizations and decided to include it in this report in support of our efforts to expand general knowledge about civilian oversight of police in Canada. The province of Prince Edward Island does not have a police commission or other body to oversee public complaints about police conduct, service or policy.

The police commissions or boards of Canada, except British Columbia, are reviewed below. The police complaint process of British Columbia is reviewed in another section of this report.

The **Royal Canadian Mounted Police (RCMP) Public Complaints Commission** was established by the federal government 10 years ago as an independent body to receive complaints about the conduct of members of the RCMP. The Commission refers complaints to the RCMP for investigation and disposition. The Commission will review the complaint investigation and disposition at the request of a complainant. It may also initiate investigations, public hearings and hearings in the public interest. The current Chair of the Commission is a lawyer, Ms Shirley Heafey; she was appointed in 1997 after serving since 1995 as a Commission member.

Contact information in western Canada: RCMP Public Complaints Commission, Suite 102, 7337 – 137th Street, Surrey, BC V3W 1A4. Tel: (604) 501-4080 or toll-free 1-800-665-6878. The Commission's head office is located at 60 Queen Street, 3rd floor, Ottawa, Ontario, mailing address: PO Box 3423, Station D, Ottawa, ON, K1P 6L4. Tel: (613) 952-1471 or toll-free: 1-800-267-6637; Fax: (613) 952-8045.

In Alberta, municipal police officers are subject to a public complaint process that includes a review or appeal to the **Alberta Law Enforcement Review Board**. Complaint investigation and disposition is the responsibility of the police. Two of eight municipal police commissions have Complaint Monitors tasked with receiving and reviewing all public complaints and complaint dispositions. The police commissions and Complaint Monitors are the first-line civilian monitors of police complaints. The Board receives and hears requests for review from the public and appeals from disciplinary decisions from police officers. The present chair is Patrick J. Knoll, QC, a lawyer and professor of law.

Contact information: Alberta Law Enforcement Review Board, 10th floor, John E. Brownlee Building, 10365 – 97 Street, Edmonton, AB, T5J 3W7. Tel: (780) 422-9376; Fax: (780) 422-4782.

Saskatchewan has had an appointed Police Complaints Investigator since 1992. The present **Saskatchewan Police Complaints Investigator** is a lawyer, E.R. Gritzveld, Q.C. His staff includes a Director and office manager. The Investigator has broad powers in regard to public complaints including conducting external investigations. Most public complaints, however, are investigated by the police.

Contact information: Saskatchewan Police Complaints Investigator, 3rd floor, 1919 Saskatchewan Drive, Regina, SK S4P 3V7. Tel: (306) 787-6519; Fax: (306) 787-6528.

Since 1985, the **Manitoba Law Enforcement Review Agency,** a statutory body independent of police, has accepted and investigated public complaints about municipal police conduct. Investigations are made by the Agency's investigators under the direction of the Commissioner. The Commissioner is also empowered to personally mediate public complaints. The present Commissioner is George V. Wright. The Commissioner's staff includes a Registrar and two investigators.

Contact information: Manitoba Law Enforcement Review Agency, Suite 200 – 379 Broadway, Winnipeg, MN R3C 0T9. Tel: (204) 945-8667 or toll-free, 1-800-282-8069.

The **Ontario Civilian Commission on Police Services** is responsible for ensuring adequacy of policing services and overseeing the handling of public complaints about police conduct service or policy. The Commission also hears complainant's or police officer's appeals from the decision of a chief of police at a discipline hearing. A complainant may appeal if the officer's misconduct or unsatisfactory work performance was not established. The Commission will hold a hearing and either confirm, vary or revoke the decision and substitute its own decision. The Commission's decision may be further appealed by either the complainant or the police officer to an Ontario Divisional Court. The current Chair of the Commission is Murray Chitra.

Contact information: Ontario Civilian Commission on Police Services, 25 Grosvenor Street, 1st floor, Toronto, ON M7A 1Y6. Tel: (416) 326-1189 or toll free 1-888-515-5005; Fax: (416) 314-2036 or toll-free 1- 888-311-7555.

In Quebec, the Office of the Commissioner of Police Ethics has operated for a decade to receive, conciliate and investigate public complaints about the municipal and regional police of Quebec. Quebec is one of only three provinces that has legislated a body to independantly investigate complaints about police conduct. The current Commissioner is Paul Monty, a lawyer. The Commissioner's staff includes 14 investigators, 6 lawyers, 5 conciliators and a Deputy Commissioner.

Contact information: Commissaire à la déontologie policiére, Edifice Louis-Philippe-Pigeon, 1200, route de l'Eglise, Sainte-Foy, Québec, G1V 4Y9. Tel: 418-643-7897; Fax: 418-528-9473; e-mail: deontologie-policiere.quebec@secpub.gouv.qc.ca.

The **New Brunswick Police Commission** has had the authority to receive and investigate public complaints about police conduct and any aspect of policing since the 1980s. The chair of the Commission has discretion to refer public complaints to a chief of police to be resolved or investgated. The chief of police must submit a report to the Commission detailing any action taken in response to a complaint. Appeals from discipline penalties imposed by a chief of police are heard by an arbitration board. Peter Sheult, the Vice-Chair of the Commission, is Acting Chair until a chair is appointed.

Contact information: New Brunswick Police Commission, Fredericton City Centre, 435 King Street, Suite 202, Fredericton, NB E3B 1E5. Tel: (506) 453-2069; Fax: (506) 457-3542; e-mail: nbpc@gov.nb.ca.

The **Nova Scotia Police Commission** was established in 1976 with the proclamation of the *Police Act*. The Commission's primary role is to investigate and conduct hearings into citizen's complaints about municipal police conduct. The Commission's Police Review Board hears appeals from disciplinary penalties ordered by chiefs of police and boards. The Commission's investigators are retired police officers contracted by the Commission on a case-by-case basis. The municipal police departments deal with public complaints at first instance, by informal resolution or investigation. The Commission receives review requests from citizens who are dissatisfied with the way a police department has concluded their complaint. The present chair is Jean Beeler.

Contact information: Nova Scotia Police Commission, PO Box 1573, Halifax, NS B3J 2Y3. Tel: 902-424-3246; Fax: 902-424-3919; e-mail: uarb.polcom@gov.ns.ca.

Newfoundland established the **Royal Newfoundland Constabulary Public Complaints Commission** in 1992 to receive complaints about the Newfoundland constabulary, to monitor the investigation and disposition of public complaints, to informally resolve public complaints, and to hear appeals from complaint dispositions. The Commission can conduct independent investigations into the circumstances of complaints when a complainant has files an appeal. The current Commissioner is Leslie Harris, OC, PhD.

Contact information: Royal Newfoundland Constabulary Public Complaints Commission, P.O. Box 21128, St. John's, Newfoundland, A1A 5B2. The Commission is located at Regatta Plaza, 82 Elizabeth Avenue, St. John's, Newfoundland. Tel: (709) 729-0950; Fax: (709) 729-1302.

International Overview

Three events that are illustrative of the evolution and maturing of the relationship between police and civilian oversight bodies over police accountability occurred in 1999:

1. The Steven Lawrence Inquiry (England)
2. The Paton Report on Policing (Northern Ireland)
3. Project Guardian: Final Report on Managing Ethical Behavior within the Victoria Police Force (Australia)

The Stephen Lawrence Inquiry — England

Stephen Lawrence was a young black Londoner who, in the verdict of an inquest jury, "was unlawfully killed in a completely unprovoked racist attack by five white youths."

Following public criticism of the London Metropolitan Police investigation of the crime, the British Home Secretary in 1997 established an inquiry with the following terms of reference:

> "To inquire into the matters arising from the death of Stephen Lawrence on 22 April 1993 to date, in order particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes."

The Inquiry Report makes this observation on the complaint system:

> "The second strong theme concerns what may generally be termed the complaints system. It will be no surprise that almost universally we are told that there is little confidence amongst minority ethnic communities in the present system. It may seem to some that this issue is hardly within our terms of reference. But again there is no doubt but that this lack of confidence affects adversely the atmosphere at which racist incidents and crimes have to be addressed. Some believe that more direct investigation of complaints by the Police Complaints Authority is desirable. The majority view was that the whole system as a matter of principle needs to be independent. In particular there is much unease at the regularity of investigations, particularly in serious cases, of one police service by another. We fully appreciate the cost and other implications involved, but the matter requires urgent further consideration. The importance of this public quiet must not be underestimated. The criticism is not in any way of the members of the Police Complaints Authority. It is a criticism of the method of investigation imposed upon them. Lord Scarman (The Scarman Report, 4.28) said:

> 'I conclude that any system for consideration of complaints against the police which is subject to the range and weight of criticism I have heard ... must be unsatisfactory and ineffective. Unless and until there is a system for judging complaints against the police, which commands the support of the public, there will be no way in which the atmosphere of distrust and suspicion between the police and the community can be dispelled.'

The Inquiry made the following recommendations regarding the complaints system:

- That the changes to police disciplinary and complaint procedures proposed by the Home secretary should be fully implemented and closely and publicly monitored as to their effectiveness.

- That to eliminate the present provision which prevents disciplinary action after retirement, disciplinary action should be available for at least five years after an officer's retirement.

- That the Police Services should through the implementation of a Code of Conduct or otherwise ensure that racist words and acts proved to have been spoken or done by police officers should lead to disciplinary proceedings , and that it should be understood that such conduct should usually merit dismissal.

- That the Home Secretary, taking into account the strong expression of public perception in this regard, consider what steps can and should be taken to ensure that serious complaints against the police officers are independently investigated. Investigation of police officers by their own or another Police Service is widely regarded as unjust, and does not inspire public confidence.

The Paton Report on Policing — Northern Ireland

The Commission on Policing was set up by the secretary of State for Northern Ireland following the Good Friday Agreement. The Commission recommended the establishment of a Police Ombudsman with the following responsibilities and powers:

- The Police Ombudsman should be, and be seen to be, an independent institution in the government of Northern Ireland, and should be staffed and resourced accordingly.

- The Ombudsman should take initiative and not merely react to specific complaints. He/she should exercise the powers to initiate inquiries or investigations even if no specific complaint has been received.

- The Ombudsman should be responsible for compiling data on trends and patterns in complaints against the police, or accumulations of complaints against individual officers (and appropriate systems for managing such data will be

needed ...) and should work with the police to address issues emerging from this data.

- The Ombudsman should have a dynamic co-operative relationship with the police and the Policing Board, as well as other bodies involved in community safety issues.

- The Ombudsman should exercise the right to investigate and comment on police policies and practices, where these are perceived to give rise to difficulties, even if the conduct of individual officers may not itself be culpable, and should draw any such observations to the attention of the chief constable and the Policing Board.

Project Guardian: Final Report on Managing Ethical Behaviour within the Victoria Police Force — Australia

Project Guardian reviewed all aspects of promoting and managing ethical behaviour within the Victoria Police Force. The project team sought advice from experts in anti-corruption strategies and other law enforcement agencies, both locally and overseas, as well as conducting a comprehensive literature search. Advice was obtained from criminologists, ethicists, academics, and the general community.

The project team recommended changes to achieve the following:

- A dynamic, pro-active department capable of anticipating potential problems of unethical or corrupt behaviour and of implementing strategies to minimize those risks.

- An expert investigations unit capable of expeditiously handling internal investigations in a demonstrably independent and thoroughly professional manner.

- A unit within the force which is always receptive, welcoming and responsive to public concerns and complaints, thereby increasing the publics confidence in the integrity of out members and the ethical standards of the force.

- The provision of a greater understanding throughout the Force of the ethical standards required of all personnel and of the potential consequences if those standards are not maintained.

Appendices

Police Act *Amendments, July 1999*

In July 1999, the ***Police Act*** was amended to make it the responsibility of the Police Complaint Commissioner to appoint a retired judge to act as adjudicator for public hearings. To this end, the Commissioner has prepared a list of retired judges interested in acting as adjudicators. The amended sections are as follows:

56. Section 46(1) of the Police Act, RSBC 1996, c. 367, is amended by repealing the definitions of "adjudicator" and "public hearing" and substituting the following:

"**Adjudicator**" means a retired judge appointed under s. 60.1 to preside at a public hearing;

"**Public hearing**" means a hearing arranged and set under sections 60 and 60.1;

57. Section 60.1(2) to (8) is repealed and the following substituted:

(2) If the Police Complaint Commissioner arranges a public hearing under section 60 or orders a public hearing under section 64(7),

(a) the Police Complaint Commissioner must appoint a retired judge of the Provincial Court, the Supreme Court or the Court of Appeal to preside as an adjudicator at the public hearing, and

(b) the adjudicator appointed must arrange and set the earliest practicable date or dates for that public hearing.

(3) Subject to subsection (4), at least 15 business days before the scheduled date for a public hearing or continuation, the Police Complaint Commissioner must serve the respondent, complainant and discipline authority with written notice of the date, time and place of the hearing.

(4) If, after reasonable effort, service cannot be effected on a complainant under subsection (3), the Police Complaint Commissioner may provide the notice referred to in that subsection by registered mail to the complainant's last address known to, or on record with, the Police Complaint Commissioner.

Statistics for 1999

COMPLAINTS RECEIVED AND CONCLUDED IN 1999

	Abbotsford	*Central Saanich*	*Delta*	*Esquimalt*	*Nelson*	*New Westminster*	*Oak Bay*	*Port Moody*	*Saanich*	*Vancouver*	*Victoria*	*West Vancouver*	*TOTAL*
Active files Dec 31, 1998	7	1	4	2	5	6	0	1	3	59	10	4	102
Files opened in 1999	34	1	17	12	6	24	4	2	31	198	87	13	429
Percentage of total complaints	8%	**	4%	3%	1%	6%	1%	**	7%	47%	20%	3%	100%
Files closed in 1999	13	1	11	12	8	21	3	3	18	156	53	15	314
Active Files Dec 31, 1999	28	1	10	2	3	9	1	0	16	101	44	2	217
*Authorized strength in 1999**	139	21	138	26	17	111	22	31	133	1130	188	77	2033
Percentage of total strength	7%	1%	7%	1%	1%	5%	1%	1%	7%	56%	9%	4%	100%

* Data obtained by the Registrar from the Human Resources officers or other senior officers of each police department in January 2000. The numbers reflect the number of sworn officers authorized by the 12 municipal police boards and include police recruits who were in training in 1999.

** Percentages smaller than 1%.

From 1 January to 31 December 1999, the Police Complaint Commissioner received 429 complaints from members of the public and police officers. This figure does not include general inquiries or complaints that the Commissioner received but that were outside his statutory jurisdiction. Fifty percent or 217 complaint files remained open on 31 December 1999 in various stages, from resolution or investigation to final review by the Commissioner.

To put the number of complaints in context, the total number and percentage of complaints received by each department in 1999 should be considered with the number of sworn officers in each department, and these figures are shown in the table.

COMPLAINTS RECEIVED IN 1999 BY TYPE

	Abbotsford	*Central Saanich*	*Delta*	*Esquimalt*	*Nelson*	*New Westminster*	*Oak Bay*	*Port Moody*	*Saanich*	*Vancouver*	*Victoria*	*West Vancouver*	*TOTAL*	*Percentage*
Files opened in 1999	34	1	17	12	6	24	4	2	31	198	87	13	429	100%
Public trust	30	1	14	8	5	20	2	1	30	142	81	13	347	81%
Service or Policy	0	0	1	0	0	0	2	0	1	14	2	0	20	5%
*Compound**	0	0	0	0	1	0	0	0	0	19	0	0	20	5%
Internal discipline	2	0	1	4	0	0	0	0	0	0	0	0	7	1%
Non-lodged	2	0	1	0	0	4	0	1	0	23	4	0	35	8%

* A *compound* complaint is a lodged Form 1 complaint that has been characterized as both a public trust and a service or policy complaint.

Every complaint that is recorded on a Form 1 Record of Complaint is required by section 50.1 (1) of the ***Police Act*** to be characterized as one of three types: public trust, service or policy, or internal discipline. The chief constable of each municipal department has delegated his authority for receiving, characterizing and investigating complaints to senior officers. Under section 52.1(6) of the Act, the Commissioner confirms all complaint characterizations.

COMPLAINTS CONCLUDED IN 1999 BY TYPE

	Abbotsford	*Central Saanich*	*Delta*	*Esquimalt*	*Nelson*	*New Westminster*	*Oak Bay*	*Port Moody*	*Saanich*	*Vancouver*	*Victoria*	*West Vancouver*	*TOTAL*	*Percentages*
Files closed in 1999	13	1	11	12	8	21	3	3	18	156	53	15	314	100%
Public Trust	12	1	9	10	7	17	1	2	17	139	50	15	280	89%
Service or Policy	0	0	1	0	1	0	2	0	1	7	1	0	13	4%
*Compound**	0	0	1	0	0	1	0	0	0	0	0	0	2	**
Internal discipline	0	0	0	2	0	0	0	0	0	0	0	0	2	**
Non-lodged	1	0	0	0	0	3	0	1	0	10	2	0	17	5%

* *Compound* complaints contain both public trust and service or policy allegations.
** Percentage smaller than 1%.

The Commissioner concluded 314 complaint files in 1999, of which 89% (280) were public trust complaints.

PUBLIC TRUST AND COMPOUND COMPLAINTS CONCLUDED IN 1999

	Abbotsford	*Central Saanich*	*Delta*	*Esquimalt*	*Nelson*	*New Westminster*	*Oak Bay*	*Port Moody*	*Saanich*	*Vancouver*	*Victoria*	*New Westminster*	*TOTAL*	*Percentage*
Closed public trust	12	1	9	10	7	17	1	2	17	139	50	15	280	99%
*Closed compound**	0	0	1	0	0	1	0	0	0	0	0	0	2	1%
TOTAL	12	1	10	10	7	18	1	2	17	139	50	15	282	100%
*Abandoned***	0	0	0	0	0	0	0	0	0	1	2	0	3	1%
Withdrawn or Informally Resolved	0	0	0	4	3	1	0	0	2	23	15	1	49	17%
Dismissed	8	1	3	0	4	4	0	1	9	55	24	7	116	41%
*Not substantiated****	2	0	5	2	0	8	1	1	3	48	4	5	79	28%
Substantiated	2	0	2	4	0	5	0	0	3	12	5	2	35	13%

* *Compound* complaints contain both public trust and service or policy allegations.

** *Abandoned* refers to the complaints that the Commissioner administratively closed because the complainants could not be located for follow-up over a period of three months.

*** *Not substantiated* refers to complaints that were investigated by a police officer and either there was insufficient evidence to either disprove or prove the allegations; or there was sufficient evidence to prove that the subject officer had not committed a disciplinary default.

The public trust and compound complaints closed in 1999 formed 90% of the 314 complaint files concluded by the Commissioner in 1999. This table shows how the Commissioner concluded these complaints.

CORRECTIVE AND DISCIPLINARY MEASURES IN 1999

	Abbotsford	*Central Saanich*	*Delta*	*Esquimalt*	*Nelson*	*New Westminster*	*Oak Bay*	*Port Moody*	*Saanich*	*Vancouver*	*Victoria*	*West Vancouver*	*TOTAL*	*PERCENTAGES*
Total substantiated	2	0	2	4	0	5	0	0	3	12	5	2	35	13%
*Total measures**	4	0	3	5	0	7	0	0	6	12	5	2	44	100%
*Advice***	3	0	0	0	0	4	0	0	0	8	1	1	17	39%
Verbal reprimand	0	0	0	2	0	2	0	0	3	0	1	0	8	18%
Written reprimand	1	0	1	2	0	1	0	0	3	3	0	1	12	27%
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Counselling	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Suspension	0	0	1	1	0	0	0	0	0	1	1	0	4	9%
Reduction in rank	0	0	0	0	0	0	0	0	0	0	2	0	2	5%
Dismissal	0	0	1	0	0	0	0	0	0	0	0	0	1	2%

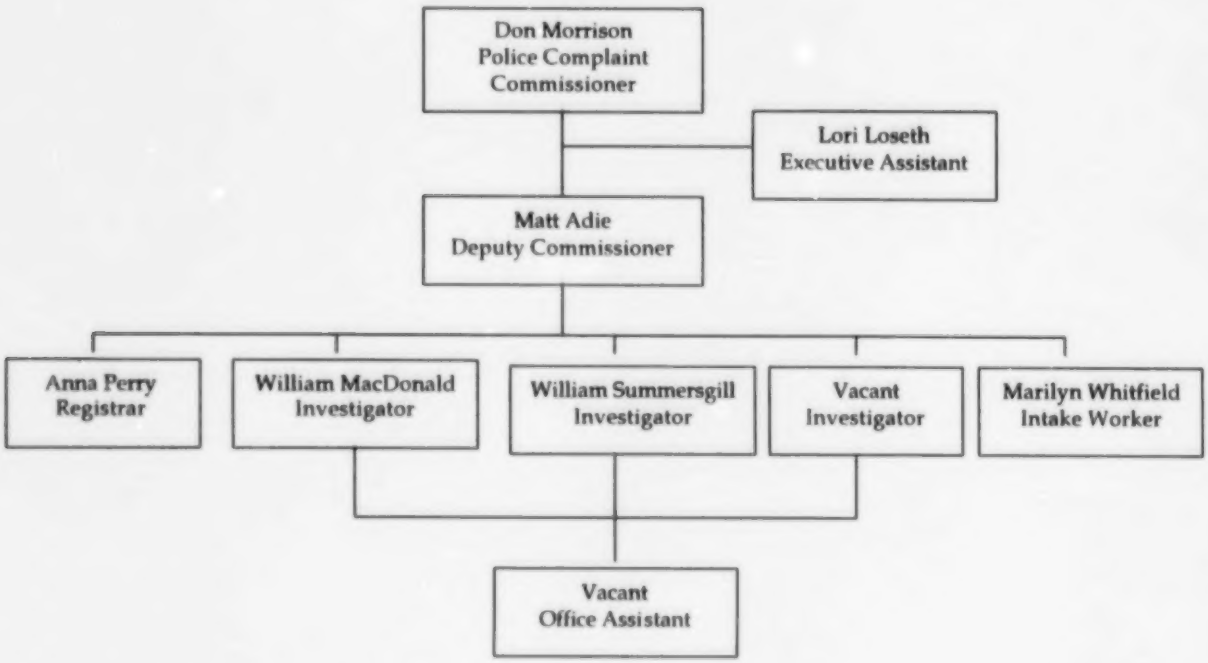
* Some substantiated complaints result in more than one disciplinary measure. There may also be more than one substantiated allegation per complaint.

** Advice as to future conduct is not a disciplinary measure under section 19 of the Code of Professional Conduct Regulation 205/98 of the ***Police Act.*** However, the Commissioner views it as a corrective measure for the following reasons:

- A chief constable has found that the circumstances of a complaint warrant action be taken to correct the behaviour of the subject officer.
- A senior officer gives the subject officer advice as to future conduct.
- The discipline authority records the complaint and the advice in the subject officer's personnel record. However, the advice is not recorded in the subject officer's Record of Discipline because it is not disciplinary action as defined in the Code.

The ***Police Act*** Code of Professional Conduct Regulation 205/98 lists and describes 12 disciplinary defaults (sections 4 to 18). A discipline authority may discipline a police officer for a breach of the code if there is sufficient evidence that the officer has committed a disciplinary default. After finding that a disciplinary default has occurred, a discipline authority may impose one or more corrective measures. Section 19(2) of the code requires that an approach that seeks to correct and educate takes precedence over one that seeks to blame and punish, unless that approach is unworkable or would bring the administration of police discipline into disrepute. Section 19(1) lists the disciplinary or corrective measures available to a discipline authority. The measures are listed in the left column of the table.

Organization Chart



Budget

Fiscal Year ending March 31, 2000

Number of Staff	7
Salaries and Benefits	$528,000.00
Other Operating Expenditures	$320,000.00
TOTAL	***$848,000.00***

List of Mediators

Section 54.1 (8) of the ***Police Act*** requires that:

> "The Police Complaint Commissioner must make available a list of support groups and neutral dispute resolution service providers and agencies that may assist complainants with the informal resolution process under this section, and the person with whom a public trust complaint is lodged must provide that list to the complainant when the complaint is lodged."

A list of neutral dispute resolution providers/mediators for this purpose is available from the Office of the Police Complaint Commissioner.

The following sections of the ***Act*** directly relate to the use of neutral dispute resolution providers / mediators.

Section 54.1 (5) of the ***Act*** states:

> "The discipline authority may, for the purposes of informally resolving a complaint under this section, do one or both of the following:
>
> (a) use any one or more means of alternate dispute resolution;
> (b) enlist the assistance of a neutral and independent person as mediator."

Section 54.1 (11) of the ***Act*** states:

> "The complainant or respondent may ask the police complaint commissioner to appoint a mediator, if one has not already been enlisted under subsection (5) (b), and the police complaint commissioner may appoint a mediator if the police complaint commissioner considers it appropriate."

Should you require an *interpreter*, information or assistance with this or any other aspect of your complaint you may contact the Office of the Police Complaint Commissioner directly.

List of Support Groups

Section 54.1 (8) of the ***Police Act*** requires that:

> "The Police Complaint commissioner must make available a list of support groups and neutral dispute resolution service providers and agencies that may assist complainants with the informal resolution process under this section, and the person with whom a public trust complaint is lodged must provide that list to the complainant when the complaint is lodged."

The following agencies have agreed to be listed as support groups for this purpose:

Inter-cultural Association of Greater Victoria

930 Balmoral Rd.
Victoria, B.C.
V8T 1A8
Contact: Jean McRae, Executive Director
Telephone: (250) 388-4728
Fax: (250) 386-4395

British Columbia Civil Liberties Association

425-815 West Hastings Street
Vancouver, B.C.
V6C 1B4
Contact: Murray Mollard, Policy Director
Telephone: (604) 687-2919

S.U.C.C.E.S.S.

28 West Pender Street
Vancouver, B.C.
V6B 1R6
Contact: Joseph Lau, Program Director
Telephone: (604) 408-7238

Vancouver Police and Native Liaison Society

324 Main Street,
Vancouver B.C.
V6A 2T2
Contact: Freda Ens, Executive Director
Telephone: (604) 687-8411
Fax: (604) 682-2967

Complainants are <u>not limited</u> to this list in choosing a support group or person.

Section 54.1 (9) of the ***Act*** states:

> "In the informal resolution process, *a complainant may enlist the assistance of a support person of the complainant's choice* or may ask the police complaint commissioner to appoint a support person for the complainant."

A support person's involvement in the informal resolution process is set out in Section 54.1 (10) of the ***Act***.

> "A support person, enlisted or appointed under subsection (9), may
>
> (a) be present at any interview about the complaint and at any mediation or informal resolution, and
> (b) participate at any of those sessions with the consent of the respondent."

Should you require an *interpreter*, information or assistance with this or any other aspect of your complaint you may contact the Office of the Police Complaint Commissioner directly.

Contact Names and Numbers

Office of the Police Complaint Commissioner
Suite # 900 - 1111 Melville Street
Vancouver, BC V6E 3V6

Phone: (604) 660-2385
Fax: (604) 660-1223

Toll free outside of Vancouver:
Call Enquiry BC @ 1-800-663-7867
and ask to be connected to the
Office of the Police Complaint Commissioner.

Contact municipal police forces directly in:

Abbotsford	(604) 859-5225
Central Saanich	(250) 652-4441
Delta	(604) 946-4411
Esquimalt	(250) 414-7105
Nelson	(250) 354-3919
New Westminster	(604) 525-5411
Oak Bay	(250) 592-2424
Port Moody	(604) 461-3456
Saanich	(250) 475-4321
Vancouver	(604) 717-3535
Victoria	(250) 995-7654
West Vancouver	(604) 925-7300

Complaints against the RCMP in British Columbia should be directed to:

7337 - 137 Street, Suite 102
Surrey, BC
V3W 1A4

Phone: (604) 501-4080
Toll free: 1-800-665-6878